

REMARKS

Assignee appreciates the thorough examination of the present application as evidenced by the Office Action mailed March 29, 2011 (hereinafter "Office Action"). In response, Assignee has amended independent Claim 1 by incorporating the recitations of dependent Claims 5 and 6, amended independent Claim 19 to incorporate the recitations of dependent Claims 23 and 24, and amended independent Claim 37 to incorporate the recitations of dependent Claims 41 and 42. Dependent Claims 5, 6, 23, 24, 41, and 42 have been canceled without prejudice or disclaimer. Dependent Claims 7, 25, and 43 have been amended to correct their dependencies in light of the cancellation of dependent Claims 5, 6, 23, 24, 41, and 42. Similar amendments have been made to independent Claim 55. Assignee respectfully submits that the cited combination of references fails to disclose or suggest, at least, the recitations of independent Claims 1, 19, 37, and 55, as amended. Accordingly, Assignee submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

All Pending Claims are Patentable

Independent Claims 1, 19, 37, and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,910,074 to Amin et al. ("Amin") in view of U. S. Patent Publication No. 2004/0008688 to Matsubara et al. ("Matsubara"). Independent Claim 1 is directed to a method of modifying quality of service for an existing user session in a network and has been amended to incorporate the recitations of dependent Claims 5 and 6. Independent Claim 1 recites, as amended, in part:

using application programming interface calls to send a query from the service provider to the regional access network to obtain quality of service capabilities from the regional access network;

presenting to the user via the service provider a quality of service option within the quality of service capabilities received from the regional access network; and

using the application programming interface calls at the service provider to communicate with the regional access network to modify the quality of service associated with the existing user session. (Emphasis added).

Claims 19, 37, and 55 include similar recitations. According to the independent claims, application programming interface (API) calls are used to communicate with the regional access network (RAN) to obtain a bandwidth range, QoS capabilities. The information obtained from the RAN is then presented to the user.

In rejecting dependent Claims 5 and 6, the Office Action cites col. 7, lines 23 - 43 of Amin as disclosing the highlighted recitations above. (Office Action, pages 4 and 5). This passage and other passages from Amin, however, explain that an end user may make a request for a change in resources either explicitly or implicitly (see, e.g., Amin, col. 8, line 61 – col. 9, line 14 and col. 10, lines 6 - 16). Assignee has carefully reviewed Amin and can find no description therein that an end user is presented with any type of option for use of network resources or for changing any type of network resource allocation. Moreover, Matsubara fails to provide the teachings missing from Amin.

For at least the foregoing reasons, Assignee respectfully submit that independent Claims 1, 19, 37, and 55 are patentable over Amin and Matsubara, and that the claims depending therefrom are patentable at least by virtue of their depending from an allowable claim.

Dependent Claims are Separately Patentable

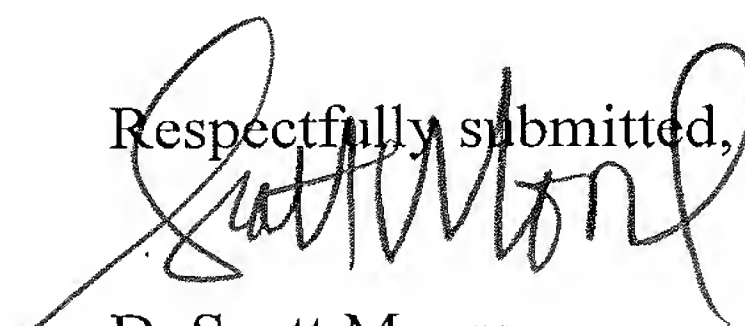
As each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Assignee does not believe that it is necessary to argue the allowability of each dependent claim individually. Assignee does not necessarily concur with the interpretation of these claims, or with the bases for rejection set forth in the Office Action. Assignee therefore reserves the right to address the patentability of these claims individually as necessary in the future.

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CONCLUSION

In light of the above amendments and remarks, Assignee respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



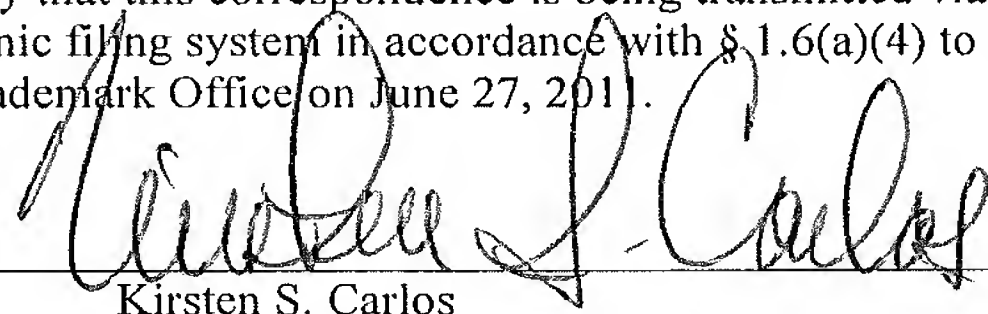
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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on June 27, 2011.

Signature: _____



Kirsten S. Carlos